

REMARKS/ARGUMENTS

In the Office Action mailed May 16, 2006, claims 1-4, 6-18 and 20 are pending. Claims 12-18 and 20 were rejected. Claims 1-4 and 6-11 are withdrawn and cancelled herein without prejudice.

By this amendment, claims 12 and 20 are amended. Claims 21-32 are added. Applicant is not conceding the propriety of the rejections and retains the right to pursue the subject matter of the cancelled and originally-filed claims in other applications, but have made the amendments herein solely to forward the prosecution of the present claims. In view of the amendments made herein, Applicant respectfully requests that the Examiner allow all of the remaining claims.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

Claim 20 is rejected under 35 U.S.C. § 112(2nd paragraph) as being indefinite. While the Applicant does not concede the propriety of this rejection, the Applicant has amended claim 20 to obviate the Examiner's rejection of claim 20 under 35 U.S.C. § 112.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 12-16 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,280,499 to *Studen*. Applicant respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP 2131.

Studen does not teach or suggest the combination recited in claim 12. For example, claim 12 recites, "a three-dimensional element which, defines a signage recipient base element the base element being configured to be secured to a wall or floor." *Studen* is generally directed to an expanded plastic board having apertures retaining punched pieces. Nowhere does *Studen* teach or suggest a combination including a base element being configured to be secured to a wall or floor. Because *Studen* does not teach or suggest the combination recited by claim 12, Applicant respectfully requests the Examiner remove the rejections of claim 12 and its dependent claims, 13-18 and 20 and also allow the new claims depending from claims 12, 21-23.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Studen* in view of U.S. Patent No. 6,626,678 to *Forbes, et al.* Applicants respectfully traverse this rejection.

To establish a case of *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion and motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all of the claim limitations. See MPEP 2143.

As discussed above, *Studen* does not teach or suggest the combination recited in claim 12. *Forbes, et al.* does not cure the insufficiencies of *Studen*. Rather, *Forbes, et al.* is directed to a method for providing mental stimulus to a cognitively-impaired subject and does not teach or suggest the combination recited in claim 12.

Claims 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,535,619 *Wright* in view of *Studen*. Applicants respectfully traverse this rejection. Neither *Wright* nor *Studen*, separately or in combination, teach or suggest the combination recited by claims 12 or 18, which depends from claim 12. For example, claim 12 recites a sign having “a three-dimensioned element which, defines a signage recipient base element, the base element being configured to be secured to a wall or floor.” As recited above, *Studen* does not teach or suggest the combination recited by claim 12, and *Wright* does not cure the insufficiencies of *Studen*. Rather, *Wright* is directed to an educational toy. No where does *Wright*, separately or in combination with *Studen*, teach or suggest the combination as recited in claim 12 and thus claim 18, by its dependency from claim 12. Therefore, Applicants respectfully request the rejection of claims 12 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Wright* in view of *Studen* to be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant respectfully requests that all the objections and rejections to the claims be removed and that the claims pass to allowance. If for any reason the Examiner disagrees, please call the undersigned attorney at 202-861-1792 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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